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-- *REMARKS* --

Claims 1-16 remain under consideration. Applicants thank Examiner Rampuria and his supervisor for their courtesies in the telephonic interview of October 26, 2004. During the interview, the Examiners and Applicant's counsel agreed to amend the preamble of claims 1-6 to reflect that the claimed method is computer implemented. Furthermore, during the interview, the Examiner's and Applicant's counsel agreed that while Smith teaches "sanitizing" a log file or "filtering" the log file, Smith does not teach or suggest "providing a parallel command string to replace the command when the command contains sensitive information," as claimed.

A. Claims 1-6 were rejected under 35 U.S.C. §101 as directed to non-statutory subject matter

The rejection of claims 1-6 as non-statutory under 35 U.S.C §101 is traversed. In order to maintain this §101 rejection, the claim must be drawn to non-statutory subject matter. Because the claim is drawn to statutory subject matter, and is a functional descriptive material that imparts functionality when employed as a computer component, this rejection must fall.

Statutory subject matter includes "anything under the sun that is made by man." See, *Diamond v. Chakrabarty*, 447 U.S. 303, 308-09, 206 USPQ 193, 197 (1980) and MPEP §2106 (IV). §101 includes processes and methods within its scope of patentable subject matter. *See*, MPEP §2106 (IV). The only exceptions are abstract ideas, laws of nature, and natural phenomenae. As the invention claimed in claim 1 is none of these exceptions, the §101 rejection is improper and should be withdrawn.

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Furthermore, the claimed process results in a physical act, and therefore is statutory. Additionally, the claimed invention as a whole accomplishes a practical application, and produces a "useful, concrete and tangible result." See, *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 47 U.S.P.Q.2d 1596 (Fed. Cir. 1998). The claimed process requires "writing at least one command...."

Indeed, the Examiner's argument that the method could be performed by using pencil and paper adds support for Applicant's position - use of pencil and paper to perform the claimed method would decidedly result in a useful, concrete, and tangible result that accomplishes a practical application.

However, in an effort to expedite prosecution, Applicant has amended the preamble of the claims to recite that the method is a computer implemented method. This amendment is not made to avoid any reference.

Withdrawal of the rejections to claims 1-6 is requested.

B. Claims 1, 4-7, 10-13 and 15-16 were rejected under 35 U.S.C. §103(a) as unpatentable over Huckins in view of Smith

The §103(a) rejections of claims 1, 4-7, 10-13, and 15-16 as unpatentable over Huckins in view of Smith is traversed. In order to sustain the rejection, each and every element of the claimed invention must be taught or suggested by the references, alone or in combination, in at least as great detail as claimed. Since the references do not teach or suggest each and every element, the rejection should be withdrawn.

The Examiner correctly notes that Huckins does not "explicitly" disclose providing a parallel command string to replace the command when the command contains sensitive information. The Examiner attempts to rely on Smith for such a teaching, but Smith contains no such teaching. Instead, Smith only teaches "the log file is filtered to remove any sensitive data prior to sending the log file to the repository." Thus, even if the Examiner's recitation of Smith's teachings is accurate, the Examiner has not proved a *prima facie* case of obviousness and the rejection should be withdrawn.

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However, the Examiner's recitation of the teachings is not correct, and the rejection fails for at least this additional reason. Smith does not teach "providing a parallel command string to replace the command when it contains sensitive information." At most, Smith teaches that a log file is filtered to remove sensitive data when a LOGEVENT_SENSITIVE flag is deployed by a developer prior to sending the log file to a repository. See, *Smith*, ¶44. Thus, Huckins in view of Smith does not teach or suggest each and every element of independent claims 1, 7, and 13 in at least as great detail as claimed.

Since the prior art does not teach or suggest "providing a parallel command string to replace the command when it contains sensitive information," Applicant respectfully requests the Examiner withdraw the rejection. If Examiner wishes to maintain the rejection, Applicant traverses the statement "...it would have been obvious..." and request the Examiner to make a showing in the prior art or in the form of an examiner declaration/affidavit supporting the conclusion that it is well known to provide "a parallel command string to replace the command when it contains sensitive information." See, MPEP 706.02(a): "If the Applicant traverses such an assertion, the Examiner should cite a reference in support of his/her position." Absent such a showing, Applicants respectfully request allowance of the claims.

Therefore, independent claims 1, 7, and 13 are patentable over Huckins in view of Smith, as are claims 2-6, 8-12, and 14-16 depending from claim 1, 7, or 13 respectively. Withdrawal of the rejections to claims 1, 4-7, 10-13, and 15-16 is requested.

C. **Claims 2, 3, 8, 9, and 14 were rejected as unpatentable under 35 U.S.C. §103(a) over Huckins in view of Fujii**

The §103(a) rejections of claims 2, 3, 8, 9, and 14 as unpatentable over Huckins in view of Fujii is traversed. In order to sustain the rejection, each and every element of the claimed invention must be taught or suggested by the references, alone or in combination, in at least as great detail as claimed. Since the references do not teach or suggest "providing a parallel command string to replace the command when it contains sensitive information," Applicant respectfully requests the Examiner withdraw the rejection. Since the references do not teach or suggest each and every element, the rejection should be withdrawn.

Claims 2, 3, 8, 9, and 14 depend directly or indirectly from claims, 1, 7 or 13 respectively. Therefore, claims 2, 3, 8, 9, and 14 are allowable over the references for at least the same reasons.

Withdrawal of the rejections to claims 2, 3, 8, 9, and 14 is requested.

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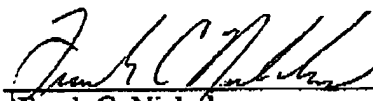Filed: December 5, 2001
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CONCLUSION

The Applicants respectfully submit that claims 1-16 fully satisfy the requirements of 35 U.S.C. §§102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested.

Dated: **December 7, 2004**   Respectfully submitted,
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